IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1023 OF 2006

Gangadhar V. Ghuli ...Petitioner.

Versus

Prabhakar N. Adone & Ors. ...Respondents.

Shri I.M.Khairdi for the Petitioner.

CORAM : S.C.DHARMADHIKARI,J.

DATE : 22nd FEBRUARY, 2006.

P.C. :

. At the request of Shri Khairdi allowed to be withdrawn. Needless to observe that it will be open for the petitioner to move an appropriate application in case he satisfies the trial Court that the compromise purshis does not create any right in respect of the subject wall and/or the windows as far as the defendant is concerned. Once, such a plea is raised and appropriate materials produced, it will always be open for the petitioner to urge before the trial Court that the extent of the encroachment on the right of the petitioner be ascertained; and such application will then be considered on its own merits. Further, all observations in the order under challenge cannot influence the trial Court while deciding the Suit on its own merits and in accordance with law.

(S.C.DHARMADHIKARI,J.)